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HOTEL STREETJUDGE ESTEE CHARGES  
FEDERAL GRAND JURYHe Instructs Them Regarding the Crime of  
Peonage and Other Offenses Against  
Federal Statutes.

When the October term of the United States District was opened yesterday morning, it was found that there was not a sufficient number of grand jurors qualified to act. Judge M. M. Estee therefore ordered a special venire to issue to Marshal Hendry for fifteen additional men, returnable at 2 o'clock in the afternoon. The Marshal was punctual in making the return and, with the appointment of foreman made by the court and the election of a secretary by the grand jury, the entire panel sworn in consists of the following named twenty-three men:

W. O. Atwater, foreman; J. R. Galt, secretary; Geo. F. Fuller, J. E. Gamaliel, Andrew Adams, Walter H. Hyman, Alex. Illikla C. B. Huston, E. R. Biven, W. A. Fetter, Luther S. Aungst, H. Willgeroth, John Lucas, S. C. Dwight, John C. Lane, Lot K. C. Lane, C. M. V. Forster, Chas. J. Fishel, Wm. W. Hall, Chas. H. Ramsay, E. J. Waterman, Kirk B. Porter and Geo. F. Kluegel.

Upon their being sworn, the grand jurors were charged by Judge Estee as follows, the instructions bearing upon offenses for which there are informations and committals docketed, besides other offenses against Federal laws that might be brought to their attention or of which any of themselves might be cognizant:

COURT'S CHARGE  
TO GRAND JURY

Gentlemen of the Grand Jury:

You have been called here as members of the Grand Jury of the United States District Court of Hawaii during the term of court just opening and the duties which will devolve upon you are of grave importance. By the fundamental law of the United States, namely, the constitution thereof, it is prescribed that—

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a Grand Jury except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger." Sec. 1, Article V.

You will therefore observe that no steps can be taken for the prosecution of any crime of the character indicated until your body shall have acted. The whole series of felonies belong to the class of infamous crimes mentioned. You will therefore note how indispensable to the administration of justice in criminal cases is the action of the grand jury.

## SCOPE OF DUTIES.

You are officers of the United States and as such, deal only with offenses against the laws of the United States or which are made by United States laws. You have nothing to do with offenses under the laws of the Territory of Hawaii.

Your jurisdiction, however, in the investigation of offenses made such by the laws of the United States, extends over the whole Territory of Hawaii, and you are to fairly and without fear or favor investigate all crimes within the Territory which come under that category.

I wish to say further to you in relation to the character of your duties, that the grand jury is designed not alone as a means of bringing to trial persons accused of crime upon just grounds, but it is also a means of protecting the citizen against unfounded accusations whether they proceed from the government or are prompted by individual enmities or personal passion. There is, therefore, a double duty cast upon you as grand jurors of this district; one is that duty to society to see that parties against whom the commission of a crime shall be held to answer thereto, and on the other side, a duty to the citizen to see that he is not subjected to prosecution upon erroneous accusations.

## SECRECY ESSENTIAL.

Your sessions shall be secret. This is just. It would work a great hardship to any citizen against whom charges might be brought to you for investigation, if as a result thereof you should find them unfounded, and said charges had been made public.

You must examine all matters called to your attention by the Court; also all matters called to your attention by the United States District Attorney. You will also examine all cases of alleged violations of United States laws that may be brought to your attention and evidence presented thereon, aside from any matter that may be brought before you either by the District Attorney or indicated in this charge.

You are not, however, to consider or examine the books or accounts of Federal officers; these matters are left to the heads of the departments to which these officers belong.

It may be possible that some of you have, within your personal experience, knowledge of the commission of a public offense against the laws of the United States or of facts which tend to show that such an offense has been committed. If you are possessed of any such knowledge, you should disclose it to your associates so that they may consider it.

If any attempt is made to influence your action as grand jurors, it will be your duty to immediately notify the Court. It is provided by Section 5405 of the Revised Statutes of the United States, that—

"Every person who attempts to influence the action or decision of any grand juror upon any issue or matter pending before such juror, or before the jury of which he is a member or pertaining to his duties, shall be punishable by a fine of \$1,000 or by imprisonment or by both."

## PRESUMPTION OF INNOCENCE.

In considering the evidence presented to you in each case, you will remember that all persons, no matter what the charge against them may be, are presumed to be innocent until proven guilty. And to justify the finding of an indictment, you must be convinced so far as the evidence goes, that the accused is guilty; in other words, if in your judgment the evidence before you would if unexplained, and uncontradicted, warrant a conviction by a petit jury you should find an indictment.

The general government has selected the United States District Attorney to represent its interests in all prosecutions. He will at all times be ready and willing to aid you in your investigations. He will call and examine witnesses and if need be interpreters to assist you in your labors; but if you so desire you can call and examine witnesses of your own volition.

The District Attorney has no right to be present during your deliberations or when you vote; no one but members of the grand jury can be present at your deliberations or at your voting.

In your examinations you will hear and consider only legal testimony; mere hearsay testimony you will discard. And if in your investigations you find, or become convinced that there is evidence not produced which would explain away a charge presented to you, it will be your duty to get such evidence if it is possible to do so.

I wish further to state to you that it requires the affirmative vote of at least twelve of your members to find an indictment.

## CRIME OF PEONAGE.

Among the matters placed before you for investigation, there are likely to be certain offenses arising under Sections 5526 and 5527 of the R. S. U. S. known as the "peonage" statutes.

Section 5526 prescribes that—  
 "Every person who holds, arrests, returns or causes to be held, arrested or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years or by both."

Section 5527 reads as follows—  
 "Every person who obstructs or attempts to obstruct or in any way interferes with or prevents the enforcement of the preceding section shall be liable to the pains and penalties therein described."

It should also be borne in mind that our Constitution is opposed to all forms of peonage, slavery or servitude. All men are free from the moment their feet rest on American soil, for our fundamental law and the acts of Congress passed in conformity therewith intend that neither slavery nor involuntary servitude shall exist anywhere in America. This constitutional prohibition applies with equal force to foreign as to American born people living in the United States. No man is too great or too small not to be bound or protected by it. This Republic rests upon the sacred principle that all men are born free and equal. Peonage is un-American. It matters not from what country the peon immigrates or what agreement he comes under, he cannot with impunity translate to our shores any form of servitude; nor can he implant here, unresisted by our laws, the principles peculiar to slavery or the customs of his own country. American law is designed to enforce all the personal rights due each human being in America and in that sense it teaches morality.

## IMMORAL IMPORTATION.

It is further provided by Section 3 of the Act of March 3, 1903, being "An Act to regulate the immigration of aliens into the United States," that—

"The importation to the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution or who shall hold or attempt to hold any woman or girl for such purposes, in pursuance of such illegal importation, shall be deemed guilty of a felony and on conviction thereof shall be imprisoned not less than one year nor more than five years and pay a fine not exceeding \$5,000."

It is believed that there has been brought here quite recently a number of these unfortunate women and girls, to be held for the purposes of prostitution. It will be your duty as American citizens and public officers to investigate these matters thoroughly so that the guilty may be punished; and in making your investigations you must bear in mind that these alleged offenses, like all crimes, are performed in secret and will require at your hands the most patient inquiry.

## ANOTHER MORAL STATUTE.

Furthermore, it is prescribed by Section 3 of the Act of Congress of March 3, 1887 (Vol. 24, U. S. Stats. 635)—

"That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years, and when the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery, and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery."

This act of Congress is applicable to all such offenses committed within this Territory. The highest evidence

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 3 1-2 yards long, per pair.....\$2.75  
 3 1-2 yards long, per pair.....\$3.25  
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in favor of the advanced civilization of a community is the punishment imposed on offenses against the moral laws. Some of this class of cases will be brought to your attention and it will be your duty to fully and fairly investigate the same, and find indictments where you believe a petit jury would be convinced of the guilt of the parties, from the facts as presented for your consideration, if no evidence were introduced to contradict the same.

## CRIME OF PERJURY.

Gentlemen of the Grand Jury: You may be called upon to investigate a charge of perjury; and in this connection I instruct you that the laws of the United States contemplate that a statement made under oath before a competent officer of the law, shall be strong evidence of the truth of the facts stated, and in order to preserve inviolate the solemnity of an oath under the force prescribed by law, and to punish any violations thereof, it is prescribed by Section 5392 of the Revised Statutes of the United States, that—

"Every person who having taken an oath before a competent tribunal, officer or person in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose or certify truly, or that any written testimony, declaration, deposition or certificate by him subscribed is true, wilfully and consciously to make any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than five years; and shall moreover, thereafter be incapable of giving testimony in any court of the United States, until such time as the judgment against him is reversed." It might also be added, that this law is made applicable to oaths before immigration officers. Sec. 24, Act of Mar. 3, 1903 (Vol. 32, U. S. St. 1213).

## CRIME OF FORGERY.

It is provided by Section 8463 of the R. S. U. S. as amended by the Act of January 3, 1887, that—

"Any person who shall with intent to defraud, falsely make, forge, counterfeit, engrave or print, or cause, or procure to be falsely made, forged, counterfeit, engraved, or printed, or willfully aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of, or purporting to be, a money order or postal note, issued by or under the direction of the Postoffice Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon; or any receipt, or certificate of identification thereon; any person who shall falsely alter, or cause or procure to be falsely altered, or willfully aid or assist in falsely altering, any such money order or postal note; any person who shall with intent to defraud, pass, utter or publish as true, any such false, forged, counterfeited or altered money order or postal note, knowing the same or any signature or endorsement thereon, to be false, forged, counterfeited or altered, shall be punishable by a fine of not more than five thousand dollars or by imprisonment at hard labor for not less than two years and not more than five years."

Congress has established a Postal Money Order system in the United States.

(Continued on page 3.)



## Vigorous Old Age

Paine's Celery Compound makes the old feel young, and cures their ills. It has added years of health and enjoyment to many a life. Use this great medicine regularly, and its invigorating powers will fill your declining years with health, strength, and happiness. Read what George F. Morse, 67 years old, writes:—

"Gentlemen:—Just a word in favor of Paine's Celery Compound, hoping it may catch the eye of some afflicted person, and they may receive the same satisfactory benefit. Some 15 years ago I had a combination of malaria, chills and fever, and grip, which continued for a year or more; meantime I lost in weight about 60 pounds, trying different medicines and doctors with unsatisfactory results. Paine's Celery Compound was recommended, and, after using a little I began to improve, gaining about a pound a week. In a year I had regained 50 pounds of the lost weight and good health, and have been a well man ever since. Yours truly, GEORGE F. MORSE. LEOMINSTER, MASS., Oct. 27, 1902."

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